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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,285	08/31/2001	John M. Fisher		3810

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EXAMINER

OCAMPO, MARIANNE S

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 02/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/945,285	FISHER, JOHN M. <i>JF</i>
	Examiner Marianne S. Ocampo	Art Unit 1723

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 January 2002.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 20 is/are allowed.

6) Claim(s) 1,4-7,9,10,14,17 and 18 is/are rejected.

7) Claim(s) 2-3,8,11-13,15-16,19 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> .	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### *Claim Objections*

1. Claim 12 is objected to because of the following informalities: the letter "a" before the article "the" in line 2, should be deleted since it is unnecessary. Appropriate correction is required.

2. Claim 18 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 10. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6 – 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kopach (US 5,035,800).

5. Concerning claim 1, Kopach discloses a strainer assembly, capable of use with/for a camp cooking kit comprising a strainer body (in the form of a mesh, 1), which also functions as a cover/lid for the cooking pot, having at least one rim (formed by the edge/conduit 4) for engaging a rim of a cooking pot and a plurality of openings therethrough for pouring liquid from the pot while preventing egress of other contents of the pot, strap guiding features (through conduit 4) formed in the strainer body (1) for guiding a securing strap (2) around both the strainer body and the cooking pot, and the securing strap including a fastening arrangement (3) for securing the ends of strap (2) together for attaching the strainer body to the cooking pot, as in figs. 1 – 3 and cols. 2 – 4.

6. With regards to claim 6, Kopach further discloses the strainer assembly comprising handles (3, 2) for gripping other portions of the strainer assembly and tipping the strainer body together with the camp cooking pot for straining the contents of the cooking pot, as in figs. 1 – 3.

7. Regarding claim 7, Kopach also discloses the handles are formed in the strainer body, as in figs. 1 – 3.

8. Concerning claim 9, Kopach discloses the handles (2, 3) being strap handles that attach to the securing strap (2), as in fig. 1.

9. Claims 1, 4 – 6, 9 - 10, 14 and 17 - 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (US 3,390,781).

10. With respect to claim 1, Anderson discloses a strainer assembly capable of use with a camp cooking kit comprising a strainer body (10, 14, 16) having at least one rim for engaging a rim of a camp cooking pot (12) and a plurality of openings for pouring liquid from the cooking pot (12) while preventing egress of other contents of the pot (12), strap guiding features (in the form of cuts/slits 16a, 16b) formed in the strainer body (10, 14, 16) for guiding a securing strap (24) around at least a portion of both the strainer body and the cooking pot (12) and the securing strap (24) including a fastening arrangement (hook end, 24c, 24d) capable of securing the strap (24) together for attaching the strainer body to (at least the handle portions 12b of) the cooking pot (12), as in figs. 1 – 6 and cols. 1 – 4.

11. Regarding claim 4, Anderson discloses the strap guiding features being slots (cuts, 16a, 16b) formed in the strainer body (10, 16), as in figs. 1 & 4 – 5 and col. 2.

12. Concerning claim 5, Anderson also discloses the slots (16a, 16b) including a pair of slots in alignment with each other capable of guiding a securing strap across the top surface of the strainer body (10, 16), as in fig. 4.

13. With regards to claim 6, Anderson further discloses the assembly comprising handles (thumb grips, 24) for gripping other portions of the strainer assembly and tipping the strainer body (10) together with the cooking pot (12) for straining the contents of the pot (12), as in fig. 2.

14. With respect to claim 9, Anderson also discloses the handles (24, 24a, 24b) being strap handles that attach to the securing strap (24c, 24d), as in figs. 1 – 2 and 4 – 5.

15. Regarding claims 10 & 18, Anderson discloses the securing strap including a hook (24d, 24c) and a loop (24b) fastening system capable of securing the strap (24) together with the strainer body to a cooking pot, as in figs. 1 – 2 and 4 – 5.

16. Concerning claim 14, Anderson discloses a strainer assembly comprising a strainer body (10, 14, 16) having a rigid form for overlying an open end of a (camp) cooking pot (12) and a plurality of openings for pouring liquid from the cooking pot (12) while preventing egress of other contents from the pot (12), strap guiding features (16a, 16b) formed in the strainer body capable of guiding a securing strap (24) around at least a portion of both the strainer body (10)

and the cooking pot (12), the securing strap (24) including a fastening arrangement (24c, 24d) capable of securing (hooking) the strainer body to (such as to handles or a portion, 12b) of the cooking pot (12) and handles (24, 24a) for gripping other portions of the strainer assembly and for tipping the strainer body together with the cooking pot (12) to strain contents of the pot, as in figs. 1 – 6 and cols. 1 – 4.

17. With regards to claim 17, Anderson also discloses the handles (24, 24a) being strap handles that attach to the securing strap (24c, 24d), as in fig. 5.

***Allowable Subject Matter***

18. Claims 2 – 3, 8, 11 – 13, 15 – 16 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 20 also contain allowable subject matter.

19. The following is a statement of reasons for the indication of allowable subject matter: the closest prior art include Anderson (781) and Kopach (800). However, none of these prior art and those searched has disclosed or rendered obvious a strainer assembly having the limitations of the strap guiding features being notches formed in the strainer body, as in claim 2, and the

handles including two pairs of handles formed in the strainer body and each of the pairs of handle being separated by one of the strap guiding features, as in claim 8, and the securing strap including a D-ring for threadably engaging another portion of the securing strap, as in claim 11, and the at least one rim being one of a plurality of concentric rims that project from a bottom surface of the strainer body to accommodate different sizes of cooking pots, as in claim 12, and the handles being formed in the strainer body which is rigid in form, as in claim 15, and the strap guiding features including a pair of notches in alignment with each other, as in claim 19. Furthermore, none of the prior art has disclosed a method of assembling a strainer together with a camp cooking pot for straining contents of the pot comprising the steps of layout a securing strap, placing the cooking pot on the securing strap, placing a rigid strainer body over an open end of the cooking pot, aligning strap guiding features of the strainer body with the securing strap and wrapping the securing strap around both the cooking pot and strainer body in engagement with the strap guiding features of the strainer body for securing the strainer body to the cooking pot, as in claim 20.

### *Conclusion*

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 1,767,269 (Westerberg), 1,239,834 (Smith) and 2,732,696 (Baker).

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21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:00 A.M. to 4:30 P.M..

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

23. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*[Signature]*

M.S.O.

February 21, 2003

*Joseph Drodge*  
JOSEPH DRODGE  
PRIMARY EXAMINER